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LABOUR LAW

Professor Langille

Spring 1997

SESSION 1 Tue Jan 7	Introduction and Overview Casebook: pp. 1-10, 148-52, 27-47
SESSION 2 Thu Jan 9	Common Law of Employment I Casebook: pp. 68-90, 92-104, 107-117
SESSION 3 Tue Jan 14	Common Law of Employment II Casebook: pp. 117-120, 128-147 Supplement: Cronk v. Canadian General Insurance Co. (1994), 19 O.R. (3d) 515 (Gen.Div.) and (1996), 25 O.R. (3d) 505 (C.A.)
SESSION 4 Thu Jan 16	Scope of Collective Bargaining Law Casebook: pp. 192-206, 210-224; 231-244
SESSION 5 Tue Jan 21	Unfair Labour Practices I Casebook: pp. 272-301
SESSION 6 Thu Jan 23	Unfair Labour Practices II Casebook: pp. 301-342
SESSION 7 Tue Jan 28	Determining Employee Support Casebook: pp. 394-414 Supplement: Corporating the City of Toronto July 3, 1996 (O.L.R.B.)
SESSION 8 Thu Jan 30	Bargaining Unit Determination Casebook: pp. 343-394
SESSION 9 Tue Feb 4	Negotiations I Casebook: pp. 418-455
SESSION 10 Thu Feb 6	Negotiations II Casebook: pp. 455-502 Supplement: Royal Oak Mines (1996) 133 D.L.R. (4th) 129 (S.C.C.)
SESSION 11 Tue Feb 11	Industrial Conflict I Casebook: pp. 503-508, 530-547, 555-559
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SESSION 12 Thu Feb 13	Industrial Conflict II Casebook: pp. 559-574, 588-599, 606-610, 617-628
SESSION 13 Tue Feb 25	Industrial Conflict III Casebook: pp. 629-643, 649-668
SESSION 14 Thu Feb 27	Arbitration I Casebook: pp. 682-685, 686-687, 714-30, 757-761 Supplement: Wardair (1988), 63 O.R.(2d) 471 (Div.Ct.); CUPE v. Metropolitan Toronto. (1990), 74 O.R. (2d) 239 (C.A.); Stelco v. Steelworkers (1994), 17 O.R. (3d) 218 (Div.Ct.); Weber v. Ontario Hydro (1995), 125 D.L.R. (4th) 583 (S.C.C.); The Queen in Right of New Brunswick v. O'Leary (1995) 125 D.L.R. (4th) 609.
SESSION 15 Tue Mar 4	Arbitration II Casebook: pp. 730-755

SESSION 16
Thu Mar 6 — Labour and Judicial Review
Casebook: pp. 802-805
Supplement: Dayco v. C.A.W. (1993), 102 D.L.R. (4th) 609 (S.C.C.); United Assoc. of Journeymen & Apprentices of the Plumbing & Pipefitting Industry v. Lester (S.C.C.); Carpenters & Joiners v. Bradco (1993) 102 D.L.R. (4th) (S.C.C.) Paccar of Canada (1989), 62 D.L.R. (4th) 437 (S.C.C.)

SESSION 17
Tue Mar 11 — Internal Union Affairs I
Casebook: pp. 808-821, 823-830, 834-840, 847-849

SESSION 18
Thu Mar 13 — Internal Union Affairs II
Casebook: pp. 849-860, 870-880, 885-889

SESSION 19
Thu Mar 18 — The Charter and Labour Law
Casebook: pp. 509-526, 662-667, 685-686
Supplement: PIPS v. Northwest Territories (1990), 72 D.L.R.(4th) 1 (S.C.C.); Lavigne v. OPSEU (1991), 31 D.L.R. (4th) 545 (S.C.C.); Slaight Communications Inc. v. Davidson (1989), 59 D.L.R. (4th) 416 (S.C.C.)

SESSION 20
Thu Mar 20 — Employment Standards I
Casebook: pp. 21-27, 690-692, 930-953
Supplement: Re Falconbridge Nickle Mines Ltd. (1983), 42 O.R. (2d) 179 (Ont. C.A.); Machtinger v. Hoj [1992] 1 S.C.R. 982.

SESSION 21
Tue Mar 25 — Employment Standards II
Casebook: pp. 953-1000

SESSION 22
Thu Mar 27 — Human Rights Legislation I
Casebook: pp. 1001-1002, 1006-1118
Supplement: Central Alberta Pool v. Alta. H.R.C. (1990), 72 D.L.R. (4th) 417 (S.C.C.)

SESSION 23
Tue Apr 1 — Human Rights Legislation II
Casebook: pp. 1020-1027
Supplement: Brooks v. Canada Safeway (1989), 59 D.L.R. (4th) 321 (S.C.C); Janzen v. Platy Enterprises (1985), 55 D.L.R. (4th) 352 (S.C.C.); Renaud v. Board of Education of Central Okanagan no. 23 and CUPE [1992] S.C.R. 970;

SESSION 24
Thu Apr 3 — International Economic Integration and Domestic Labour Law - I
Supplement: (1) OECD, Trade, Employment and Labour Standards (1996) 75-148; (2) ILO, World Employment Report (1996), 1-12

SESSION 25
Tue Apr 18 — International Economic Integration and Domestic Labour Law - II
Supplement: (1) McGuiness, "The Protection of Labour rights in North America ..."; (2) "Rich North, Poor South ..." Globe & Mail, Dec. 9, 1996;

SESSION 26
Thu April 10 — Review

COURSE MATERIALS

I. REQUIRED MATERIAL

Labour Law 5th edition (Queen's Ind. Rel. Centre, 1991)
Beatty, Langille & Macklem, Labour Law Supplement (1995-96)
Consolidated Ontario Employment and Labour Law Statutes and Regulations 1995, Carswell

II. BACKGROUND MATERIAL

A. Canadian

1. Beatty, Putting the Charter to Work (McGill/Queen's 1987)
2. Weiler, Reconcilable Differences (Carswell, 1981)
3. Arthurs, Carter, Glasbeek, Labour Law and Industrial Relations in Canada (3d ed. 1988)
4. Adams, Canadian Labour Law (2nd ed.) (Canada Law Book, 1992)
5. Sack and Mitchell, Ontario Labour Relations Board Law and Practice (Butterworths, 1985)
6. Christie, Employment Law in Canada (2nd) (Butterworths, 1993)
7. Swan and Swinton, Studies in Labour Law (Butterworths, 1980)
8. Dorsey, Canadian Labour Relations Board: Federal Law and Practice (Carswell, 1983)
9. Foisy et al., Canadian Labour Relations Board Policies and Procedures (Butterworths, 1986)
10. Panitch and Swartz, The Assault on Trade Union Freedoms (Garamond, 1988)
11. England, ed., Essays in Labour Relations Law, (CCH, 1986)
12. Hébert et al., The State of the Art in Industrial Relations (Queen's, 1988)
13. Palmer B., Working Class: Rethinking the History of Canadian Labour Law 1800-1991 (McClelland & Stewart, 1992)
14. Gagnon, LeBel, Verge Droit du Travail (Laval 2nd ed., 1991)
15. Adams, Industrial Relations Under Liberal Democracy (U. South Carolina, 1995)
16. World Bank, Workers in an Intergrating World - World Development Reports, 1995 (O.U.P. 1995)
17. Sengenberger & Campbell, International Labour Standards and Economic Interdependence (I.L.O. 1994).
18. OECD, Trade and Labour Standards 1996.
19. ILO, World Employment Report 1995, 1996.
20. Sims, Seeking a New Balance (Canada Labour Code Part I Review) 1996.

B. American - Collective Bargaining

1. Gorman, Basic Text on Labour Law (West, 1976)
2. Morris, The Developing Labour Law, 3rd ed. (BNA, 1992)
3. Gould, A Primer on Labor Law (MIT, 1982)
4. Atleson, Values and Assumptions in American Labor Law (U. Mass., 1983)
5. Wellington, Labor and the Legal Process (Yale, 1968)
6. Getman, Golberg and Herman, Union Representation Elections: Law and Reality (Russell Sage, 1976)
7. Weiler, Governing the Workplace: The Future of Labor and Employment Law (Harvard University Press, 1990)

C. Arbitration

1. Brown and Beatty, Canadian Labour Arbitration (Carswell) (looseleaf)
2. Palmer, Collective Agreement Arbitration in Canada (3rd ed.)
3. Gorsky, Evidence and Procedure in Canadian Labour Arbitration (1981)
4. Adams, Grievance and Arbitration of Discharge Cases (Queen's, 1978)
5. Barnacle, Arbitration of Discharge Grievances in Ontario (Queen's, 1991)

D. Other

1. Freedland, The Contract of Employment (O.U.P., 1976)
2. Harris, Wrongful Dismissal
3. Symposium in (1984), 51 U. Chicago Law Review
4. Davies and Freedland, Kahn-Freund's Labour and the Law, Third Edition (Stevens, 1983)
5. Tarnopolsky, Discrimination and the Law in Canada (De Boo, 1982)
6. Keane, Human Rights in Ontario (Carswell, 1983)
7. Ison, Workers Compensation in Canada (Butterworths, 1983)
8. Cuneo, Pay-Equity: The Labour-Feminist Challenge (Toronto: Oxford University Press, 1990)
9. Labour Law Under the Charter (Kingston: Queen's Law Journal, 1988)

III. METHOD OF EVALUATION

Evaluation will be by written examination (one-half of final mark), and one essay (10 double-spaced pages — one-half of final mark) written during the term and handed in during the examination period. Late essays will be penalized.

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12.	Renaud v. Board of Education of Central Okanagan et al., [1992] 2 S.C.R. 970	154
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16.	United Brotherhood of Carpenters & Joiners of America, Local 579 v. Bradco Construction Ltd. (1993) 102 D.L.R. (4th) (S.C.C.)	198
17.	Canadian Union of Public Employees, Local 79 and The Corporation of the City of Toronto (Ontario Labour Relations Board)	211

18. Royal Oak Mines Inc. v. Canada Labour Relations Board et al. (1966) 133 D.L.R. (4th) 129 278

19. Weber v. Ontario Hydro (1995) 125 D.L.R. (4th) 583 309

20. The Queen in right of New Brunswick v. O'Leary (1995) 125 D.L.R. (4th) 609 321

21. "The Global Context" in World Employment 1996/97 National Policies in a Global Context (ILO, 1995) 323

22. "Possible Links Between Core Labour Standards, Trade, Foreign Direct Investment, Economic Development and Employment" in Trade, Employment and Labour Standards (OECD, 1996) 335

23. McGuinness, Michael J., "The Protection of Labour Rights in North America: A Commentary on the North American Agreement on Labor Cooperation" (1994) 30 Stanford J. of International Law 579 372

24. "Rich North, poor south divided over labour practices" (Globe & Mail, Dec. 9, 1996) at p. A12 382